

11439-2

FILED

MAR 17 1975

CLIFFORD H. WARD  
CLERK SUPREME COURT  
BY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF PIMA

FARMERS INVESTMENT COMPANY,  
a corporation,

Plaintiff,

vs

THE ANACONDA COMPANY, a  
corporation, AMAX COPPER MINES,  
INC., a corporation, ANAMAX  
MINING COMPANY, a partnership,

Defendants.

No. 116542

CLERK'S CERTIFICATE OF RECORD ON APPEAL

STATE OF ARIZONA )  
 ) SS:  
COUNTY OF PIMA )

I, FRANCES C. GIBBONS, Clerk of the Superior Court of the State of Arizona, in and for the County of Pima, do hereby certify that the following papers and portions of record are all of the papers and portions of record requested by attorneys for both APPELLANT and APPELLEE in the above captioned action, to be forwarded to the Court of Appeals, Division Two, of the State of Arizona, viz:

APPELLANT'S DESIGNATION ITEMS

1. Plaintiff's Amended Complaint.  
(Amended Complaint Counts One, Two, Three, filed November 8, 1973)
2. Answer to Plaintiff's Amended Complaint by the Anaconda Company, Amax Copper Mines, Inc., and Anamax Mining Company.

2. (cont'd) ( Answer of Amax Copper Mines, Inc., The Anamax Mining Company and The Anaconda Company to Plaintiff's Amended Complaint of November 8, 1973 and Counterclaim, filed November 16, 1973.)
3. Plaintiff's Petition for Injunctive Relief; Motion for Rule 42(b) and Rule 65 (a)(2) Orders, dated April 12, 1974, filed April 15, 1974.
4. Notice of Hearing and Motion to Dismiss Petition for Injunctive Relief of Anaconda, Amax and Anamax, dated April 23, 1974, filed April 23, 1974.
5. Plaintiff's Amended Notice of Hearing Application for Preliminary Injunction, dated April 30, 1974 and Affidavit of R. Keith Walden, filed May 1, 1974.
6. Plaintiff's Response to Motion to Dismiss Petition for Injunctive Relief dated April 30, 1974, filed May 1, 1974.
7. Response of Anaconda, Amax and Anamax to Plaintiff's Application for Injunctive Relief ( May 7, 1974).  
(Answer and Response to Application and Amended Application for Preliminary Injunction, filed May 7, 1974.
8. Depositions of Bernard Weber and C. J. Hansen
  - ✓ A. Deposition of Bernard H. Weber (in manila envelope attached to minutes) taken on May 3, 1974, received May 8, 1974.
  - ✓ B. Deposition of C. J. Hansen taken ( ditto ) on May 15, 1974, filed in Court May 22, 1974. (with Exhibit 1) Missing Exhibit
9. Duval Defendants Motion for Summary Judgment against City of Tucson, dated February 12, 1974.  
(Notice of Hearing with Duval Defendants' Motion for Summary Judgment and Exhibits  
✓ A & ✓ attached, filed February 13, 1974.  
maps in manila packet (encl.)

10. The Anamax Defendants' Motion for Partial Summary Judgment against City of Tucson, dated March 13, 1974. (The Anamax Defendants' Motion for Partial Summary Judgment as against the City of Tucson (Oral Argument Requested) and Notice of Hearing with Affidavit of Robert E. Lundquist, Certificate of Mailing, Exhibit A & B attached, filed March 13, 1974.)
11. Response of City of Tucson to Duval and Anamax Motions for Summary Judgment (3/12/74), filed March 21, 1974. (with Exhibit 1, 2, 3, 4, 5, 6, 7 & 8 *in manila env. pocket* attached)
12. Notice of Deposition of the Anaconda Company Amax Copper Mines and Anamax Mining Co. dated March 13, 1974 - *missing* and deposition of James L. Kelly taken pursuant thereto.
- ✓ A. Deposition of James L. Kelly taken March 25, 1974, received March 29, 1974. *1 man. env. attached*
- ✓ B. Exhibit Only to Deposition of James L. Kelly dated March 25, 1974, received May 6, 1974. *1 man. env. attached*
13. Plaintiff's Motion for Summary Judgment against Duval Defendants dated January 15, 1974. (Notice of Hearing with Motion for Summary Judgment as to Duval Corporation and Duval Sierrita Corporation (Oral Argument Requested), Notice filed January 18, 1974 Motion filed January 16, 1974, with Exhibits 1 thru 5 attached.) (*Exhibit A* large map with overlay) *manila env. in En. room*
14. Duval's Response (3/15/74) to Plaintiff's Motion for Summary Judgment. (Duval Defendants' Response to Plaintiff's Motion for Summary Judgment, Opposing Affidavits and Memorandum, filed March 18, 1974 with Exhibits *A* *B* *C* *D* *E* *F* *G* *H* *I* *J* *K* *L* *M* *N* *O* *P* *Q* *R* *S* *T* *U* *V* *W* *X* *Y* *Z* attached. *affidavits* *map in man. env. pocket*

*Starting  
Part 2*



15. Minute Orders of Division 3, Pima County Superior Court in this matter for the days May 21 and May 22, 1974.

Minute Entry (Certified Copy) dated May 21, 1974.

Minute Entry (Certified Copy) dated May 22, 1974.

16. Formal Order Denying Injunctive Relief entered pursuant to Minute Order of May 22, 1974, as amended by Court Interlineation (7/9/74).  
(Order Denying Injunctive Relief, filed May 24, 1974 and Minute Entry (Certified Copy) dated July 9, 1974.)

17. Motion of Anamax, et al, to vacate order Denying Injunctive Relief, dated June 7, 1974, and Notice of Hearing Motion to Vacate.  
(Notice of Hearing with Motion to Vacate Order Denying Injunctive Relief and to Enter an Order Denying Injunctive Relief, filed June 7, 1974.)

18. Court Reporter's Transcript of Proceedings of May 21, and May 22, 1974, and July 9, 1974.

May 21, 1974-No Reporter present.

*1 manila enu  
attached*

- ✓ A. Transcript of Proceedings May 22, 1974 and July 9, 1974, filed July 25, 1974. *7/25/74*

- ✓ 19. Plaintiff's Notice of Appeal to the Court of Appeals, Division Two.  
(Notice of Appeal, filed July 11, 1974.)

- ✓ 20. Plaintiff's Bond for Costs on Appeal, filed July 11, 1974.

21. This Designation of Contents of Record on Appeal, dated July 10, 1974, filed July 11, 1974.

APPELLEE'S DESIGNATED ITEMS

1. The Counterclaim of these defendants against the plaintiff.  
(See Item #2 of Appellant's Designation)
2. These defendants' Memorandum in Opposition to Plaintiff's Motion for Rule 42(b) and Rule 65 (a)(2) Orders.  
(Memorandum in Opposition to Plaintiff's Motion for Rule 42(b) and Rule 65(a)(2) Orders, filed April 23, 1974.)
3. This supplemental designation of record.  
(Additional Designation of Contents of Record on Appeal, filed July 19, 1974.)

"I further certify that by the authority vested in me under Civil Rule 75-G, I have included in the Clerk's Certificate, in addition to the items mentioned in the Designations, the following:"

1. Copy of letter re: Notice of Appeal, filed July 11, 1974.
2. Letter from Mark Wilmer dated September 25, 1974, filed September 30, 1974.

WITNESS my hand and the Seal of this Court  
affixed this 1st day October, 1974.

FRANCIS C. GIBBONS  
Clerk of the Superior Court  
Pima County, Arizona

*Theresa Jane Martin*  
*Chief Deputy*

STATE OF ARIZONA       )  
                                      )  
COUNTY OF MARICOPA   )

ss:

I Antonio Bucci hereby certify:  
Name

That I am Reference Librarian, Law & Research Library Division of the Arizona State  
Title/Division

Library, Archives and Public Records of the State of Arizona;

That there is on file in said Agency the following:

**Arizona Supreme Court, Civil Cases on microfilm, Film #36.1.764, Case #11439-2, Supreme Court  
Instruments, Part One, Clerk's Certificate of Record on Appeal, pages 163-167 (5 pages)**

The reproduction(s) to which this affidavit is attached is/are a true and correct copy of the document(s)  
on file.

Antonio Bucci  
Signature

Subscribed and sworn to before me this 12/12/05  
Date

Etta Louise Muir  
Signature, Notary Public

My commission expires 04/13/2009.  
Date

